

# ROSENBAUM

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## FAX COVER SHEET

Date: Monday, May 10, 2004  
To: Technology Center 1651 (Fax: 703-872-9306)  
From: Frank Yang (Direct: 847-770-6016)  
Rosenbaum & Associates, P.C.

Client/Matter: 6059-001

DOCUMENTS	NUMBER OF PAGES*
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Petition to Suspend Action	2
Duplicate Deposit Account Pages (1 per petition)	2
<b>TOTAL</b>	<b>7</b>

COMMENTS:

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Patent Ser. No. 10/072,829

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANT:	Mickey Miller et al.	
SERIAL NO.	10/072,829	EXAMINER: L. Blaine Lankford
FILING DATE:	February 8, 2002	ART UNIT: 1651
TITLE:	ACROCHORDON ALLEVIATION	

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**Certificate of Facsimile Transmission**

Pursuant to 37 CFR §§ 1.6(d) and 1.8(a), I hereby certify that this paper (and any other document identified as enclosed herewith) is being transmitted by facsimile transmission, on the date shown below, to the Technology Center 1651, United States Patent and Trademark Office, at 703-872-9306.

Frank Z. Yang May 10, 2004  
Frank Z. Yang Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Technology Center Director for  
Technology Center 1651

**Petition to Withdraw from Issue Before Payment of Issue Fee**

A Notice of Allowance and Fee(s) Due was mailed for the above-captioned patent application on March 8, 2004. Pursuant to 37 CFR 1.313(a), Applicants respectfully petition the Technology Center Director for Technology Center 1651 to withdraw the above-captioned patent application from issue. Because the issue fee is due June 8, 2004, Applicants would be thankful if the Director addresses this petition as soon as possible.

A showing of good and sufficient reason why withdrawal of this application from issue is necessary is as follows. The present application is the subject of a pending lawsuit between Physician's Choice of Arizona (PCA; assignee of the patent application from Margaret Ancira, a named co-inventor) and Mickey Miller (another named co-inventor). Physicians Choice of Arizona, Inc. v. Mickey Miller, CV-2003-020242 (Superior Court of Arizona, Maricopa County). In the course of the lawsuit, a question of inventorship was raised by counsel for one of the parties. At this time, the question of inventorship remains to be resolved. Both currently named inventors, and PCA believe that any question of inventorship should be resolved before the application issues as a patent. Withdrawal of the application from issue is therefore

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TO 17038729306

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MAY-10-2004 14:06 FROM ROSENBAUM & ASSOCIATES

TO 15125364598

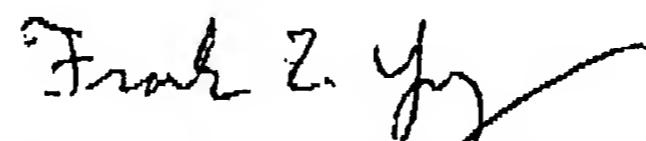
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Patent Ser. No. 10/072,829  
Attorney Docket No. PCAI:005US

respectfully requested to permit an opportunity for the parties to resolve the inventorship question.

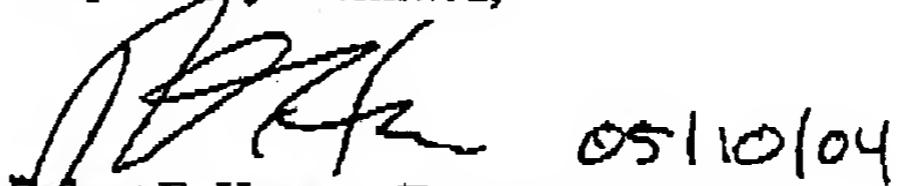
The Director is hereby authorized to deduct the 37 CFR 1.17(h) petition fee of \$130.00 from deposit account number 50-1212/PCAI:005US for Fulbright and Jaworski, LLP. This page is submitted in duplicate for that purpose.

Respectfully submitted,



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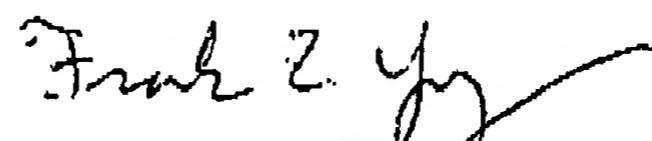
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